IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4099 of 2005

Between:

1 Mavaloori Mohan, s/o late Venkatarathnam Chetty,
r/o Door No.2/28, Bazaar Street, Bhakarapet Post,

Chinnaguttigallu Mandal, Chittoor District.
2 Mavaluri Padmanabha, s/o M.Mallikarjuna Chetty,
residing at Door No.2/39, Bazaar Street, Bhakarapet

Post, Chinnaguttigallu Mandal, Chittoor District.
3 Mavaloori Srinivasulu Chetty, s/o late Mavaloori

Venkatanartasimlu Chetty, residing at Door No.2/38,

Bazaar Street, Bhakarapet Post, Chinnaguttigallu

Mandal, Chittoor District.

..... PETITIONERS

AND

1 The State of A.P., rep., by its Principal secretary,

Department of Revenue, Secretariat, Hyderabad.
2 The District Collector, Chittoor, Chittoor District.
3 The Executive Engineer, National Highway Authority of

India, Ananthapur Division, National Highway No.205,
holding office at opposite to Chennareddy Colony,

Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, or order or direction, more particularly in the nature of writ of mandamus, declaring that the action of the respondents in not following the procedure laid down under the National Highway Act, 1956 and earmarking the properties of the petitioners for demolition to widen the roads in National Highway

No.205, as arbitrary, illegal, unjust and consequently direct the respondents to pay compensation to the petitioners for the properties to be demolished for widening of roads in the National Highway No.205 by acquiring the same under National Highway Act, 1956.

Counsel for the Petitioners: SMT.BOBBA VIJAYALAKSHMI

Counsel for Respondents 1 & 2: GP FOR REVENUE

Counsel for Respondent No.3: Mr. S.S. Varma

The Court at the admission stage made the following :

ORDER:

This writ petition is filed for issuance of a Writ of Mandamus declaring the action of the respondents in not following the procedure laid down under the National Highways Act, 1956, and earmarking the properties of the petitioners for demolition to widen the roads in National Highway No.205, as arbitrary and illegal.

The petitioners state that they are the owners and possessors of the houses bearing D.Nos.2/28, 2/39, 2/38 situated at Bazaar Street, Bhakarapet Post, Chinnaguttigallu Mandal, Chittoor District. It is stated that the respondents without following the procedure contemplated under the National Highways Act, 1956 (for short 'the Act') to acquire the properties of the petitioners, have earmarked the buildings of the petitioners for demolition, for the purpose of widening of roads in National Highway No.205. Aggrieved by the said action, the petitioners filed the present writ petition.

I have heard the learned counsel for the petitioner and also the learned Standing Counsel appearing for the National Highways Authority.

Under Section 3-A of the Act a detailed procedure has been prescribed for acquisition of the land by issuing notification in the official Gazette. Section 3-D provides for declaration of acquisition. Section 3-E provides for taking possession of the property, and Section 3-G provides for determination of amount payable as compensation. Under the circumstances, I am of the view that the respondents are bound to follow the said procedure prescribed under the Act, and without following such procedure they cannot interfere with the possession of the petitioners.

Accordingly, the Writ Petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioners in respect of the premises in question without following the due procedure prescribed under the Act. No costs.

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G. ROHINI, J.

3rd March, 2005

Js.

To

1 The Principal secretary, State of A.P.,

Department of Revenue, Secretariat, Hyderabad.
2 The District Collector, Chittoor, Chittoor District.
3 The Executive Engineer, National Highway Authority of

India, Ananthapur Division, National Highway No.205,
holding office at opposite to Chennareddy Colony,

Tirupathi, Chittoor District.

4 Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

5 2 CD copies.